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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191371
Party	Defendant Dale D. Goldschlag, D.D.S., P.C.
Correspondence Address	ADAM B. KAUFMAN 585 STEWART AVE., STE 302 GARDEN CITY, NY 11530-4701 UNITED STATES abk@abkattorneys.com
Submission	Answer
Filer's Name	Simon Bock
Filer's e-mail	sbock99@yahoo.com, abk@abkattorneys.com
Signature	/sb/
Date	10/27/2009
Attachments	Signed Answer.pdf (4 pages)(27179 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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CLEARCHOICE HOLDINGS LLC,	:	
	:	
	:	
Opposer,	:	
	:	Opposition No.: 91191371
v.	:	Serial No.: 77685491
	:	
DALE D. GOLDSCHLAG,	:	
D.D.S., P.C.,	:	
	:	
Applicant.	:	
	:	
-----X		

ANSWER TO NOTICE OF OPPOSITION

Applicant Dale D. Goldschlag, D.D.S., P.C. (“Applicant”), a New York professional corporation located at 240 Riverside Boulevard, Apt. 17B, New York, NY 10069, hereby responds to the allegations set forth in the Notice of Opposition (the “Notice”) as follows.

1. Applicant admits the allegations in paragraph 1 of the Notice.
2. Applicant admits the allegations in paragraph 2 of the Notice.
3. Applicant admits the allegations in paragraph 3 of the Notice.
4. Applicant denies the allegations in paragraph 4 of the Notice.
5. Applicant denies the allegations in paragraph 5 of the Notice, but admits that the specimen of use submitted by Applicant with the application incorporated a “star design” instead of the dot above the “i” in the “CHOICE” part of the RIGHTCHOICE mark (“Applicant’s Mark”).
6. Applicant admits the allegations in paragraph 6 of the Notice.
7. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 7 of the Notice and therefore denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 8 of the Notice and therefore denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 9 of the Notice and therefore denies the same.

10. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 10 of the Notice and therefore denies the same.

11. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 11 of the Notice and therefore denies the same.

12. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 12 of the Notice and therefore denies the same.

13. Applicant does not understand the allegations set forth in paragraph 13 of the Notice. As such, Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 13 of the Notice and therefore denies the same.

14. Applicant does not understand the allegations set forth in paragraph 13 of the Notice. As such, Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 14 of the Notice and therefore denies the same.

COUNT I
LIKELIHOOD OF CONFUSION

15. Applicant repeats and realleges each and every response set forth in paragraphs 1 through 14 herein.

16. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 16 of the Notice and therefore denies the same.

17. Applicant denies the allegations in paragraph 17 of the Notice.

18. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 18 of the Notice and therefore denies the same.

19. Applicant admits the allegations in paragraph 19 of the Notice as to Opposer's Marks that are actually registered.

20. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 20 of the Notice and therefore denies the same.

21. Applicant denies the allegations in paragraph 21 of the Notice.

COUNT II
LIKELIHOOD OF DILUTION

22. Applicant repeats and realleges each and every response set forth in paragraphs 1 through 21 herein.

23. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 23 of the Notice and therefore denies the same.

24. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 24 of the Notice and therefore denies the same.

25. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 25 of the Notice and therefore denies the same.

26. Applicant lacks knowledge or information sufficient to form a belief as to the veracity of the allegations set forth in paragraph 26 of the Notice and therefore denies the same.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed and that Applicant's mark proceed to registration forthwith.

Dated: New York, New York
October 27, 2009

ADAM B. KAUFMAN & ASSOCIATES, PLLC
Attorneys for Applicant
585 Stewart Avenue, Suite 302
Garden City, New York 11530
(516) 228-8823



By _____
Adam B. Kaufman

CERTIFICATE OF SERVICE

This will certify that on the 27th day of October, 2009 a true and correct copy of the **ANSWER TO NOTICE OF OPPOSITION** was mailed, first class, postage prepaid to attorney for Opposer as follows:

Katherine Compton, Esq.
Greenberg Traurig LLP
2200 Ross Avenue, Suite 5200
Dallas, TX 75201



Adam B. Kaufman